

in this proceeding because Plateau is seeking ETC designation in four rural ILEC service areas within RSA 6.⁸⁶

The Commission traditionally has applied the eligibility criteria of the federal Act and various other factors in evaluating ETC petitions. The factors considered in assessing whether an ETC designation is in the public interest have been determined by the Commission on a case-by-case basis.⁸⁷ As the Commission has said, a “flexible, case-by-case approach to ETC designation – particularly where the public interest is concerned – is the best approach.”⁸⁸

In analyzing whether designation of a given carrier as an ETC would be in the public interest, the Commission has had occasion to consider the approach taken by the FCC. The FCC addressed the public interest criteria applicable to requests for federal ETC designation in rural areas by common carriers not subject to state commission jurisdiction pursuant to 47 U.S.C. § 214(e)(6) in the case of *Virginia Cellular*.⁸⁹ There, finding a “need for a more stringent public interest analysis for ETC designations in rural telephone company service areas,” the FCC concluded that, pending further action on its part, in determining whether designation of a competitive ETC in a rural telephone company’s service area is in the public interest, the FCC will weigh “numerous factors,” including: (1) the benefits of increased competitive choice; (2) the impact of multiple designations on the [federal] universal service fund; (3) the unique advantages and disadvantages of the competitor’s service offering; (4) any commitments made

⁸⁶ Plateau Replacement Rebuttal Exh. 2 (attached to this decision as Exhibit A).

⁸⁷ *In the Matter of the Petition of Leaco Rural Telephone Cooperative, Inc. as a Competitive Local Exchange Carrier for Designation as an Eligible Telecommunications Carrier*, Case No. 04-00396-UT, Recommended Decision of the Hearing Examiner (Feb. 6, 2006), at 10 (approved by Final Order of the Commission entered March 14, 2006).

⁸⁸ Final Order, Case No. 03-00345-UT, at 2.

⁸⁹ *Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 1563 (rel. Jan. 22, 2004) (“*Virginia Cellular*”).

regarding quality of telephone service provided by competing providers; and (5) the competitive ETC's ability to provide the supported services throughout the designated service area within a reasonable time frame.⁹⁰

In his Recommended Decision in Plateau's previous ETC case, the Hearing Examiner applied the *Virginia Cellular* public interest criteria to Plateau's request for ETC designation in RSAs 2 and 4.⁹¹ However, in applying those criteria, the Hearing Examiner emphasized that *Virginia Cellular* is not binding on the Commission in exercising the grant of jurisdiction conferred on it by 47 U.S.C. § 214(e)(2).⁹² Nevertheless, the Hearing Examiner concluded that, in conformity with the flexible approach the Commission has taken with respect determining whether an ETC designation is in the public interest,⁹³ it was appropriate for the Commission to refer to decisions of the FCC and other state commissions for potential guidance in reviewing ETC petitions.⁹⁴

Subsequently, in amending the SRUSF rule the Commission adopted criteria applicable to evaluating ETC petitions that track the *Virginia Cellular* factors. Thus, the SRUSF rule now provides that, among other things, a petitioner seeking ETC designation and support from the state universal service fund must:

- demonstrate that the proposed designation is in the public interest;
- demonstrate that the petitioner will satisfy consumer protection and quality of service standards;
- demonstrate that granting ETC status to the petitioner in the designated area is likely to result in more customer choice;

⁹⁰ *Id.* 19 FCC Rcd at 1565, ¶ 4.

⁹¹ Recommended Decision, Case No. 03-00345-UT (June 25, 2004), at 17, fn. 3, and at 26-32.

⁹² *Id.* at 24.

⁹³ Final Order, Case No. 03-00345-UT, at 2-3. *See* Recommended Decision, Case No. 04-00396-UT, at 10-11.

⁹⁴ Recommended Decision, Case No. 03-00345-UT, at 25.

- address the impact of designation of the petitioner on the size of the fund;
- address the unique advantages and disadvantages of the petitioner's service offering; and
- demonstrate the petitioner's willingness and ability to offer service throughout the designated service area within a reasonable time frame.⁹⁵

In addition to these factors, pertinent to this discussion are the rule's requirements that a petitioner acknowledge it may be obligated to provide equal access if all other ETCs in the designated area relinquish their designations⁹⁶ and demonstrate the ability to remain functional in emergency situations.⁹⁷

Plateau and Staff join in urging the Commission to find that the designation of Plateau as a federal ETC in RSA 6 is in the public interest. They contend that the details regarding Plateau's universal service offering presented during the hearing and in supplements to the record proffered post-hearing demonstrate that Plateau's designation as an ETC is consistent with the universal principles found in 47 U.S.C. § 254(b), the FCC's elaboration on those principles in *Virginia Cellular*, and pertinent provisions of the State Rural Universal Service Fund's ETC rules. MATI, Tularosa Basin and Windstream did not challenge Plateau's request for ETC designation and did not raise a public interest challenge to Plateau's request.

Section 63-9H-2 of the Rural Telecommunications Act, states that part of its purpose is to "encourage competition and reduce regulation in the telecommunications industry, thereby allowing access by the public to resulting rapid advances in telecommunications technology."⁹⁸ As previewed above, in revising the SRUSF rule the Commission adopted additional criteria to

⁹⁵ 17.11.10.24.A(3), A(7), A(10), A(11), A(12) and A(13) NMAC.

⁹⁶ 17.11.10.24.A(6) NMAC.

⁹⁷ 17.11.10.24.A(9) NMAC.

⁹⁸ NMSA 1978, § 63-9H-2.

be considered in reviewing petitions for ETC designation.⁹⁹ Plateau and Staff submit that Plateau has shown that it can and will meet each of the new criteria.

With respect to the first of the new factors to be weighed, the benefits of competitive choice, Plateau alleges designating it as an ETC will provide competition among wireless carriers that presently does not exist. Mr. Phelps testified that Alltel (originally granted ETC status as Western Wireless) is the only wireless ETC designated for much of RSA 6.¹⁰⁰ Further, Plateau contends that designating it as an ETC in Qwest's exchanges will foster competition with other CMRS providers who have or may receive ETC certification in Qwest exchanges and with resellers of services currently operating in them.¹⁰¹ Plateau maintains, moreover, that ETC designation in RSA 6 will afford it the opportunity to expand the type of services it already it offers in competition with the services offered by other carriers.¹⁰² Plateau claims conferral of ETC status will enable it to provide customers in RSA 6 with the same ETC-related services and assist in the expansion of capabilities and service available to consumers in RSA 2 and RSA 4. To this, Mr. Phelps testified that, "Plateau's service to consumers in RSA 6 is identical to service provided in RSA 2 and RSA 4. It is in the public interest for Plateau to provide the same benefits and service in this newly licensed area as it provides in the areas for which Plateau is already designated an ETC."¹⁰³

Concerning the second factor, the impact of Plateau's ETC designation on the size of the federal USF fund, SRUSF Rule 24.A(11) requires consideration of the impact of a designation

⁹⁹ See *supra* fn. 95 and accompanying text.

¹⁰⁰ Plateau Exh. 5 (Phelps Rebuttal), p. 7.

¹⁰¹ Plateau Exh. 4 (Phelps Direct), p. 10.

¹⁰² Tr. (Phelps), p. 56-57.

¹⁰³ Plateau Exh. 4 (Phelps Direct), p. 11.

on the “size of the fund.”¹⁰⁴ The “fund” referred to in the rule is the state universal service fund established pursuant to section 63-9H-6 of the Rural Telecommunications Act¹⁰⁵ and the SRUSF.¹⁰⁶ Since Plateau is not requesting funding from the SRUSF, this requirement is not directly relevant.¹⁰⁷ Nevertheless, Staff provided evidence indicating Plateau’s impact on the size of the federal fund would be only 0.09%¹⁰⁸. This percentage is less than the 0.11% impact on the federal fund identified in Plateau’s previous case concerning RSA 2 and RSA 4¹⁰⁹ and is considered by Staff to be “de minimis.”¹¹⁰

While the Commission is not responsible for the federal High Cost Fund and the effect of additional and strictly federal ETC designations in areas served by rural carriers should be addressed at the national level, the FCC itself has been unable to draw a definitive conclusion regarding the impact of a single ETC designation on the High Cost Fund. In *Virginia Cellular*, the FCC noted, “in light of the rapid growth of competitive ETCs, comparing the impact of one competitive ETC on the overall fund may be inconclusive.”¹¹¹ Mr. Phelps testified that the total estimated USF recovery for Plateau in RSA 6 would be about \$3,952,000.¹¹² This amount is

¹⁰⁴ 17.11.10.24.A(11) NMAC.

¹⁰⁵ NMSA 1978, § 63-9H-6 (2005).

¹⁰⁶ 17.11.10.7.J NMAC.

¹⁰⁷ Tr. (Ripperger), p. 145.

¹⁰⁸ Tr. (Ripperger), p. 159-160.

¹⁰⁹ Recommended Decision, Case No. 03-00345-UT, at 28.

¹¹⁰ Tr. (Ripperger), p. 160. The Joint Board on Universal Service has made several recommendations to the FCC designed to limit the growth of the federal Universal Service Fund. *Federal State Joint Board on Universal Service*, CC Docket No. 96-45, Notice of Proposed Rulemaking, FCC 04-127, 2004 WL 1253368 (rel. June 8, 2004). However, to date no new criteria have been established by the FCC.

¹¹¹ 19 FCC Rcd at 1576, ¶ 31, fn. 96 (emphasis added).

¹¹² Plateau Exh. 5 (Phelps Rebuttal), p. 5; Tr. (Ripperger), p. 159.

comparable with the quantum of support approved in *Virginia Cellular*¹¹³ and is very close to the amount of HCF recovery for Plateau in RSA 2 and RSA 4 projected in Case No. 03-00345-UT.¹¹⁴

The third factor evaluated in *Virginia Cellular* and incorporated into the SRUSF rule concerns the unique advantages and disadvantages of the competitor's service offering.¹¹⁵ Plateau claims it offers multiple unique advantages over its competitors. Plateau's indicates its coverage area is larger than its competitors, thus reducing the roaming costs passed along to consumers. Moreover, Plateau points out its wireless universal service offering affords consumers mobility and access to phone service for those without access to a wireline telephone.¹¹⁶ Additionally, Plateau calls itself a "New Mexico company" that "provides jobs and is involved in community activities."¹¹⁷ Mr. Phelps testified that Plateau also has been involved in working with its landline affiliate, ENMR, and local government entities in economic development activities which have produced more than 250 jobs throughout Plateau's service territory.¹¹⁸ Plateau itself presently employs approximately 150 people. Many of Plateau's employees allocate time between Plateau's wireless and ENMR's landline services, and several are strictly devoted to wireless service functions.¹¹⁹ Further, Mr. Phelps stated Plateau owns,

¹¹³ The FCC found that the amount of support Virginia Cellular would draw from the HCF would equal approximately 0.105% of the total high-cost support available to all ETCs. *Virginia Cellular*, 19 FCC Rcd at 1576, ¶ 31, fn. 96.

¹¹⁴ See Recommended Decision, Case No. 03-00345-UT, at 28 ("Plateau offered un rebutted testimony that if Plateau were to provide service to all existing customers in the four study areas, Plateau's recovery based on a quarterly amount would be \$985,860.00, thus equating to 0.11 percent of the total universal service fund. Tr. (Phelps), p. 235, lines 5-10. This 0.11 percent is nearly identical to Virginia Cellular's recovery of 0.105 percent").

¹¹⁵ 19 FCC Rcd. at 1575, ¶ 28; 17.11.10.24.A NMAC.

¹¹⁶ Plateau Exh. 5 (Phelps Rebuttal), p. 8.

¹¹⁷ *Id.*

¹¹⁸ Tr. (Phelps), p. 51-52; Plateau Exh. 5 (Phelps Rebuttal), p. 7.

¹¹⁹ Tr. (Phelps), p. 51.

operates and maintains its own telecommunications system and intends to build additional towers throughout RSA 6, which he said will create “a more robust system with fewer dropped calls, and more options for those without existing wireless service.”¹²⁰ Finally, Mr. Phelps said the areas in which Plateau plans on providing service in RSA 6 include some of the more remote areas of southeast New Mexico and, with federal funding, Plateau will be able to spread its service to several underserved parts of New Mexico more quickly. According to Mr. Phelps, Plateau’s focus on providing the same level of service to rural customers that larger wireless carriers offer in urban areas differentiates Plateau from the majority of other carriers.¹²¹

Concerning the fourth factor, as evidence of its commitment to quality service and consumer protection, Plateau agreed in Case No. 03-00345-UT to comply with the Cellular Telecommunications Industry Association Consumer Code for Wireless Service (“CTIA Code”)¹²² applied in *Virginia Cellular*.¹²³ The CTIA Code provides certain principles, disclosures and practices for wireless carriers to follow, including: (1) disclosing rates and terms of services; (2) providing maps illustrating where service is available; (3) providing contract terms to customers and confirming changes in services; (4) allowing a trial period for new service; (5) providing specific disclosures in advertising; (6) separately identifying carrier charges from taxes on billing statements; (7) providing customers the right to terminate service for changes to contract terms; (8) providing ready access to customer service; (9) promptly responding to consumer inquiries and complaints received from government agencies; and (10) abiding by policies for protection of customer privacy.

¹²⁰ *Id.*, p. 8.

¹²¹ Tr. (Phelps), p. 56.

¹²² Recommended Decision, at 29.

¹²³ 19 FCC Rcd at 1576, ¶ 30.

Plateau claims it continues to comply with the CTIA Code as part of its annual ETC reporting requirements, and with its "Notice of Plateau Telecommunications, Inc.'s Agreement to Comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service," filed March 15, 2004. Plateau also agreed to provide the number of consumer complaints per 1,000 handsets it received in the previous year in its annual report to the Commission, which is part of the reporting requirement for annual certification.¹²⁴

The fifth and final public interest factor derived from *Virginia Cellular* goes to the carrier's ability to provide the supported services throughout the designated service area within a reasonable time frame.¹²⁵ Relative to this factor, Staff took the position that in order to show compliance with the additional reporting and informational requirements set forth in the SRUSF Rule 24.A, Plateau should provide additional information responsive to the FCC's permissive reporting guidelines outlined at 47 C.F.R. § 54.202(a)(1)(ii).¹²⁶ Staff and Plateau, without objection from any party and with the consent of the Hearing Examiner, agreed to supplement the record to address the federal reporting guidelines.¹²⁷ In the process of working to address the additional reporting requirements Staff and Plateau, again without objection and with the approval of the Hearing Examiner, met between November 1 and November 6, 2007 to address the items in question. At the conclusion of the November 7, 2007 status conference, Staff and Plateau informed the Hearing Examiner that they had agreed to supplement the record with replacement exhibits and additional information. Thus, consistent with their agreement, on

¹²⁴ See Plateau Rebuttal Exhibit 1 (2007 Annual ETC Report for Plateau Telecommunications, Inc.). See *i.d. Virginia Cellular*, 19 FCC Rcd at 1576, ¶ 30 ("In addition, Virginia Cellular has committed to provide the Commission with the number of consumer complaints per 1,000 handsets on an annual basis").

¹²⁵ 19 FCC Rcd at 1576, ¶ 28.

¹²⁶ Tr. (Ripperger), p. 120-122.

¹²⁷ Tr. p. 164-167.

November 26, 2007 Plateau and Staff filed their joint motion for post-hearing admission of replacement and supplemental exhibits. The exhibits accompanying the joint motion consist of:

- (1) Non-rural Qwest and rural exchange support which revises the information provided in Plateau's Supplement to the Record;
- (2) Wire center CLLI/NPA-NXX code, use code, OCN code table, which consolidated and updated Plateau Rebuttal Exhibit 2;
- (3) A local calling definition which clarifies Plateau's service;
- (4) A confidential five-year plan narrative with spreadsheet and map (filed under seal), which provides detailed information on build-out and anticipated expenditures as requested by Staff;
- (5) Home service area and expanded home service area maps;
- (6) An updated map of Plateau's wireless cell sites; and
- (7) A current 2007 map of cell sites and a consolidated overlay of other Independent Telephone Companies, including MATI, rural LEC and Windstream areas.

In making their post-hearing submission, the parties waived the right to a hearing and cross-examination on the exhibits. Having reviewed the new and replacement exhibits, on December 3, 2007 the Hearing Examiner issued an order admitting the additional exhibits and supplemental information into the record pursuant to 17.1.2.37.K. NMAC. Plateau and Staff take the position that the exhibits and supplemental information support Plateau's request for an extension of its designation as an ETC into NM RSA 6.

Lastly, the sixth SRUSF factor pertinent to this matter is whether the petitioner has demonstrated the ability to remain functional in emergency situations.¹²⁸ Plateau witness Phelps testified that Plateau has both portable and back-up power generators at various locations throughout its network which can be used in case of emergencies.¹²⁹

¹²⁸ 17.11.10.24.A(9) NMAC.

¹²⁹ Plateau Exh. 4 (Phelps Direct), p. 14.

Subsequently, when asked by Staff to verify that its backup capabilities are sufficient for the loss of a switch, maintaining sufficient reserve power and minimizing service interruptions,¹³⁰ Plateau witness Phelps responded in rebuttal by saying Plateau has installed sufficient backup systems and continues to install additional systems to ensure system reliability.¹³¹ But, insofar as the details of Plateau's backup capabilities and outage reporting are concerned, Mr. Phelps testified that divulgement of such information would run afoul of the limitations on public disclosure imposed on LECs and CMRS providers by the federal Department of Homeland Security and the FCC.¹³² He stated reports of this kind are made to the FCC using a password protected reporting system.¹³³ He also noted that Staff and other participants in the workshop process leading up to the Commission's adoption of the ETC certification rule in Case No. 05-00359-UT agreed that provisions requiring disclosure of backup details and specific outage event reports should be deleted from the proposed rule.¹³⁴ Nonetheless, upon further inquiry by the Hearing Examiner, Plateau submitted with the concurrence of Staff an affidavit of Mr. Phelps in which he certifies that Plateau is in compliance with the requirements of 17.11.27.8.B(3) NMAC with respect to reporting outage reports under 47 C.F.R. § 63.100, and further certifies that Plateau has a plan for emergency situations that satisfies the requirements of 17.11.27.8.B(8) NMAC and meets federal Occupational Safety and Health Administration (OSHA) standards for telecommunications centers and telecommunications field installations,¹³⁵ emergency action

¹³⁰ Staff Exh. 1 (Ripperger Direct), p. 38. See 17.11.27.8.B(8) NMAC.

¹³¹ Plateau Exh. 5 (Phelps Rebuttal), pp. 9-10.

¹³² *Id.* at 10.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ 29 C.F.R. § 1910.268.

plans,¹³⁶ fire prevention plans,¹³⁷ and backup power supplies.¹³⁸ Additionally, Mr. Phelps attests that Plateau will provide verification of compliance with 17.11.27.8.B(3) and 17.11.27.8.B(8) NMAC in its annual written report to the Commission by August 10, 2008, as required by 17.11.27.8 NMAC.¹³⁹

Staff, for its part, is satisfied with Plateau's demonstration of its ability to remain functional in emergencies.¹⁴⁰

In sum, having considered the record of this case the Commission should find that the designation of Plateau as a federal ETC in New Mexico RSA 6 for the rural service areas and non-rural exchanges for which ETC status is sought is in the public interest.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Hearing Examiner recommends that the Commission **FIND** and **CONCLUDE** that:

1. The foregoing Statement of the Case, Discussion, and all findings and conclusions contained therein, are hereby incorporated by reference as findings of fact and conclusions of law of the Commission.
2. The Commission has jurisdiction over the parties and the subject matter of this case.
3. Due and proper notice of this case has been given.
4. Plateau is a CMRS provider and a common carrier as defined by 47 U.S.C. § 153(10), 47 C.F.R. § 20.9(a)(7).

¹³⁶ 29 C.F.R. § 1910.38.

¹³⁷ 29 C.F.R. § 1910.39.

¹³⁸ Revised Clarification, p. 3 and attached Affidavit of Tom M. Phelps.

¹³⁹ *Id.*

¹⁴⁰ Joint Proposed Recommended Decision, pp. 27-28.

5. Plateau meets the requirements set forth in 47 U.S.C. § 214(e)(2) for federal ETC designation in NM RSA 6 and for the Qwest non-rural exchanges in NM RSA 2, NM RSA 4 and NM RSA 6.

6. Plateau's designation as a federal ETC in New Mexico RSA 6 is in the public interest pursuant to 47 U.S.C. § 214(e)(2) and 17.11.10.24 NMAC.

7. Plateau has demonstrated its willingness and ability to meet all other requirements and standards set forth under applicable New Mexico law pertaining to eligibility for federal ETC status, and the Commission has the authority to require Plateau to continue to meet such standards established for ETCs in New Mexico.

8. Plateau should be designated as a federal ETC in the rural ILEC service areas and Qwest non-rural exchanges listed in Exhibit A to this decision.

IV. ORDERING CLAUSES

The Hearing Examiner recommends that the Commission **ORDER** that:

A. Plateau is hereby designated as a federal ETC in the New Mexico RSA 6 eligible for High Cost Fund support in the rural service areas of Leaco, Peñasco Valley, Tularosa Basin, and Windstream Zone 1 as set forth in Exhibit A hereto.

B. Plateau is hereby designated as a federal ETC eligible for Interstate Access Support in the Qwest non-rural exchanges in New Mexico RSAs 2, 4 and 6 listed in Exhibit A to this decision.

C. The designation hereby conferred is and shall be conditioned upon the Commission's continuing jurisdiction over the parties and the subject matter of this case. In particular, this Order is and shall be conditioned upon the Commission's continuing jurisdiction to regulate wireless ETC-designated telecommunications carriers and the services they provide to New Mexico consumers.

D. Within sixty days of this Order Plateau shall file an affidavit with the Commission verifying that it is making Lifeline service available to customers in accordance with 47 C.F.R. § 54.405.

E. Beginning in 2008 Plateau shall submit, pursuant to and in conformity with 17.11.27 NMAC, an annual written report to the Commission verifying that it continues to satisfy the criteria for the ETC designation in NM RSA 6 as part of its annual request for ETC certification as well as, and in addition to, all agreed upon items in the record of this proceeding.

F. Plateau shall provide Staff mutually acceptable affidavits, reports, and other information that the Commission may require to demonstrate compliance by Plateau.

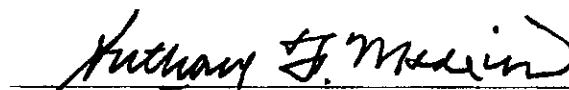
G. This Order is effective immediately.

H. This docket shall remain open until all compliance filings have been made.

I. Copies of this Order shall be sent to all persons on the attached certificate of service.

ISSUED at Santa Fe, New Mexico this 14th day of March 2008.

NEW MEXICO PUBLIC REGULATION COMMISSION



Anthony F. Medeiros
Hearing Examiner

STATE CENTER IN WHICH PLATEAU IS REQUESTING
DESIGNATION IN DOCKET NO. 07-00206-UT

NPA	NXX	USE	OCN	Company	Location (Rate Center)	CU/LS/switch
575	434	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMMADS0
575	437	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMMADS0
575	439	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMMADS0
575	443	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMMADS0
575	446	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMMADS0
575	475	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMMADS0
575	479	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMWERS1
575	572	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMWERS1
575	921	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMMADS0
575	377	AS	9636	QWEST CORPORATION	ALAMOGORDO	ALMGNMWERS1
575	746	AS	9636	QWEST CORPORATION	ANGEL FIRE	ANFRNMMARS1
575	748	AS	9636	QWEST CORPORATION	ARTESIA	ARTSNMMARS1
575	784	AS	9636	QWEST CORPORATION	ARTESIA	ARTSNMMARS1
575	376	AS	9636	QWEST CORPORATION	CANNON AFB	CLVSNMWERS1
575	742	AS	9636	QWEST CORPORATION	CIMARRON	CMRNNMMARS1
575	762	AS	9636	QWEST CORPORATION	CLOVIS	CLVSNMMADS0
575	763	AS	9636	QWEST CORPORATION	CLOVIS	CLVSNMMADS0
575	769	AS	9636	QWEST CORPORATION	CLOVIS	CLVSNMMADS0
575	791	AS	9636	QWEST CORPORATION	CLOVIS	CLVSNMMADS0
505	384	AS	9636	QWEST CORPORATION	CLOVIS	CLVSNMWERS1
505	425	AS	9636	QWEST CORPORATION	ESTANCIA	ESTNNMMARS1
505	426	AS	9636	QWEST CORPORATION	LAS VEGAS	LSVGNMMADS0
505	454	AS	9636	QWEST CORPORATION	LAS VEGAS	LSVGNMMADS0
505	832	AS	9636	QWEST CORPORATION	LAS VEGAS	LSVGNMMADS0
505	847	AS	9636	QWEST CORPORATION	MORIARTY	MRTYNMMARS1
575	356	AS	9636	QWEST CORPORATION	MOUNTAINAR	MTNRRNMMARS1
575	359	AS	9636	QWEST CORPORATION	PORTALES	PTLSNMMARS1
575	562	AS	9636	QWEST CORPORATION	PORTALES	PTLSNMMARS1
575	445	AS	9636	QWEST CORPORATION	PORTALES	PTLSNMMARS1
575	347	AS	9636	QWEST CORPORATION	RATON	RATNNMMADS0
575	622	AS	9636	QWEST CORPORATION	ROSWELL	RSWLNMSORS1
575	623	AS	9636	QWEST CORPORATION	ROSWELL	RSWLNMMADS0
575	624	AS	9636	QWEST CORPORATION	ROSWELL	RSWLNMMADS0
575	625	AS	9636	QWEST CORPORATION	ROSWELL	RSWLNMMADS0
575	627	AS	9636	QWEST CORPORATION	ROSWELL	RSWLNMMADS0
575	637	AS	9636	QWEST CORPORATION	ROSWELL	RSWLNMMADS0
575	483	AS	9636	QWEST CORPORATION	ROSWELL	RSWLNMMADS0
575	461	AS	9636	QWEST CORPORATION	SPRINGER	SPRNNMMARS1
				QWEST CORPORATION	TUCUMCARI	TCMCNMMARS1

EXHIBIT

tabbles

A

NPA	NXX	Use	OCN	Company	Location/Rate Center	GLU/Switch
505	225	AS	2264	Leaco Rural Cooperative	Antelope Ridge	ANRGNMXCRS1
505	398	AS	2264	Leaco Rural Cooperative	Tatum	TATMNMXCD0
505	676	AS	2264	Leaco Rural Cooperative	Maljamar	MLHMNMXCDS0
505	734	AS	2264	Leaco Rural Cooperative	Dexter	DXTRNMXCRS1
505	752	AS	2264	Leaco Rural Cooperative	Hagerman	HGMNNMXCRS1
505	364	AS	2270	Penasco Valley	Cottonwood	CTWDNMXCDS0
505	365	AS	2270	Penasco Valley	Cottonwood	CTWDNMXCDS1
505	457	AS	2270	Penasco Valley	Lakewood	LKWDNMXCRS0
505	484	AS	2270	Penasco Valley	Hope	HOPENMXCRS0
505	653	AS	2270	Penasco Valley	Hondo	HONDNMXCRS0
505	677	AS	2270	Penasco Valley	Loco Hills	LCHLNMXCRS0
505	687	AS	2270	Penasco Valley	Mayhill	MYHLNMXCRS0
505	785	AS	1164	Valor/Windstream #1	Carlsbad Caverns	CBCVNMXARS0
505	234,236, 628	AS	1164	Valor/Windstream #1	Carlsbad	CRLBNMXADS0
505	394	AS	1164	Valor/Windstream #1	Eunice	EUNCNMXARS0
505	337, 391, 392, 393	AS	1164	Valor/Windstream #1	Hobbs A	HBBSNMXASD0
505	397, 492	AS	1164	Valor/Windstream #1	Hobbs B	HBBSNMXBDS0
505	395	AS	1164	Valor/Windstream #1	Jal	JAL_NMXARS0
505	516	AS	1164	Valor/Windstream #1	Lovington	LGTTNMXADS0
505	745	AS	1164	Valor/Windstream #1	Loving	LVNGNMXARS0
505	738	AS	1164	Valor/Windstream #1	Hobbs	HBBSNMXBRL0
505	885, 887	AS	1164	Valor/Windstream #1	Carlsbad North/South	CRLBNMXADS0
505	585	AS	2265	Tularosa Basin Telephone	Tularosa	TLRSNMXCDS0
505	648	AS	2265	Tularosa Basin Telephone	Carrizozo	CRZZNMXCRS2
505	682	AS	2265	Tularosa Basin Telephone	Cloudcroft	CLDCNMXCRS2

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PLATEAU
TELECOMMUNICATIONS INC.'S PETITION
FOR EXTENSION OF ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER
DESIGNATION PURSUANT TO SECTION
214(e)(2) OF THE COMMUNICATIONS ACT
OF 1934 AS AMENDED

Case No. 07-00206-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Recommended Decision of the Hearing Examiner**, issued March 14, 2008, was mailed first class, postage pre-paid to each of the following:

Jeffrey H. Albright, Esq.
Lewis and Roca, Jontz Dawe, LLP
PO Box 1027
201 Third St, NW, Suite 1950
Albuquerque, NM 87103-1027

Bill R. Garcia, Esq.
Director of Regulatory Affairs, NM
Windstream Telecom
1800 Old Pecos Trail, Suite J
Santa Fe, NM 87505

Tom M. Phelps
Chief Executive Officer
Plateau Telecommunications
PO Box 1947
Clovis, NM 88102

Launa Waller
Regulatory Manager
Plateau Telecommunications
PO Box 1947
Clovis, NM 88102

William P. Templeman
PO Box 669
Santa Fe, NM 87504-0669

Alan P. Morel
PO Box 1030
Ruidoso, NM 88355-1030

and hand delivered to:

Joan Ellis, Staff Counsel
NM Public Regulation Commission
224 E. Palace Ave. – Marian Hall
Santa Fe, NM 87501

and hand delivered to:

Cydney Beadles, Staff Counsel
NM Public Regulation Commission
224 E. Palace Ave. – Marian Hall
Santa Fe, NM 87501

DATED this 14th day of March, 2008.

NEW MEXICO PUBLIC REGULATION COMMISSION


Elizabeth Saiz, Law Clerk

Received & Inspected
MAY 8 - 2008
FCC Mail Room

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PLATEAU)
TELECOMMUNICATIONS INC.'S PETITION)
FOR EXTENSION OF ITS ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
DESIGNATION PURSUANT TO SECTION 214(e)(2))
OF THE COMMUNICATIONS ACT OF 1934, AS)
AMENDED)
_____)

Case No. 07-00206-UT

FINAL ORDER

THIS MATTER comes before the New Mexico Public Regulation Commission ("Commission" or "NMPRC") upon the Recommended Decision of the Hearing Examiner, issued by Anthony F. Medeiros on March 14, 2008. Having considered the Recommended Decision (which is attached hereto as Exhibit 1 and incorporated herein by reference) and the record in this case, and being fully informed in the premises,

THE COMMISSION FINDS AND CONCLUDES:

1. The Commission has jurisdiction over the parties and the subject matter of this case.
2. Staff and the parties have waived exceptions, and the Recommended Decision is otherwise uncontested.
3. The Commission accepts and adopts the Hearing Examiner's Statement of the Case through the time of issuance of the Recommended Decision.
4. The Commission accepts and adopts the Discussion and the Findings and
5. Conclusions contained in the Recommended Decision as the Discussion and the Findings and Conclusions of the Commission.
6. The Recommended Decision is well taken and should be adopted.

IT IS THEREFORE ORDERED:

A. The Orders recommended by the Hearing Examiner, as set forth in Exhibit 1 attached hereto, are ADOPTED, APPROVED, and ACCEPTED as Orders of the Commission.

B. The Recommended Decision is ADOPTED, APPROVED and ACCEPTED in its entirety.

C. This Order is effective immediately.

D. **Within sixty days of this Order**, Plateau Telecommunications, Inc. shall file an affidavit verifying that it is making Lifeline service available to customers in accordance with 47 C.F.R. § 54.405.

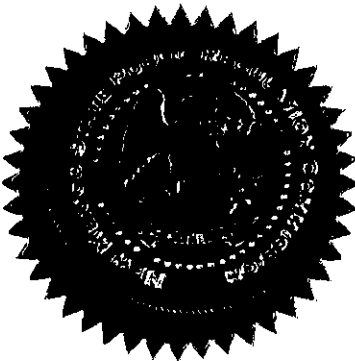
E. This Order is effective immediately.

F. This docket is closed.

G. Copies of this Order shall be sent to all persons on the attached Certificate of Service.

Issued under the Seal of the Commission at Santa Fe, New Mexico, this 8th
day of April 2008.

NEW MEXICO PUBLIC REGULATION COMMISSION




JASON MARKS, CHAIRMAN


SANDY JONES, VICE CHAIRMAN


DAVID W. KING, COMMISSIONER


BEN R. LUJAN, COMMISSIONER


CAROL K. SLOAN, COMMISSIONER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PLATEAU
TELECOMMUNICATIONS INC.'S PETITION
FOR EXTENSION OF ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER
DESIGNATION PURSUANT TO SECTION
214(e)(2) OF THE COMMUNICATIONS ACT
OF 1934 AS AMENDED

Case No. 07-00206-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Final Order**, issued April 8, 2008, was mailed on April 8, 2008, by first class, postage pre-paid, to each of the following:

Jeffrey H. Albright, Esq.
Lewis and Roca, Jontz Dawe, LLP
PO Box 1027
201 Third St, NW, Suite 1950
Albuquerque, NM 87103-1027

Bill R. Garcia, Esq.
Director of Regulatory Affairs, NM
Windstream Telecom
1800 Old Pecos Trail, Suite J
Santa Fe, NM 87505

Tom M. Phelps
Chief Executive Officer
Plateau Telecommunications
PO Box 1947
Clovis, NM 88102

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Clovis, NM 88102

William P. Templeman
PO Box 669
Santa Fe, NM 87504-0669

Alan P. Morel
PO Box 1030
Ruidoso, NM 88355-1030

and hand delivered to:

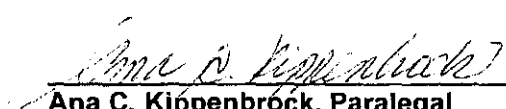
Joan Ellis, Staff Counsel
NM Public Regulation Commission
224 E. Palace Ave. – Marian Hall
Santa Fe, NM 87501

and hand delivered to:

Cydney Beadles, Staff Counsel
NM Public Regulation Commission
224 E. Palace Ave. – Marian Hall
Santa Fe, NM 87501

DATED this 8th day of April, 2008.

NEW MEXICO PUBLIC REGULATION COMMISSION



Ana C. Kippenbrock, Paralegal

2008 MAY -1 PM 4:06

Our File Number: 44296-00004

May 1, 2008

VIA HAND DELIVERY

Ms. Melanie Sandoval
Records Management Bureau
NM Public Regulation Commission
224 East Palace Avenue
Santa Fe, NM 87501-2013

Re: Plateau Telecommunications Inc.'s Petition for Extension of It's Eligible
Telecommunications Carrier Designation Pursuant to Section 214(e)(2) of the
Communications Act of 1934 as Amended; Case No. 07-00206-UT

Dear Melanie:

Enclosed for filing in the above referenced matter is the original and fifteen copies of Notice of Compliance with Order, along with a Certificate of Service for same.

Please return an endorsed copy of the Notice of Compliance to our courier. Thank you for your assistance.

Sincerely,

LEWIS AND ROCA LLP



Jeffrey H. Albright

JHA/cc

Enclosures

cc: Anthony Medeiros
Joan Ellis
Mike Ripperger
Ken Smith
Peggy A. Bowen
Bill R. Garcia
Launa Waller
Tom Phelps
William Templeman
Alan P. Morel

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

REGULATION
COMMISSION

2008 MAR 1

PM 4:06

IN THE MATTER OF PLATEAU)
TELECOMMUNICATIONS INC.'S PETITION)
FOR EXTENSION OF ITS ELIGIBLE)
TELECOMMUNICATIONS CARRIER) Case No. 07- 00206- UT
DESIGNATION PURSUANT TO SECTION 214(e)(2))
OF THE COMMUNICATIONS ACT OF 1934,)
AS AMENDED)
_____)

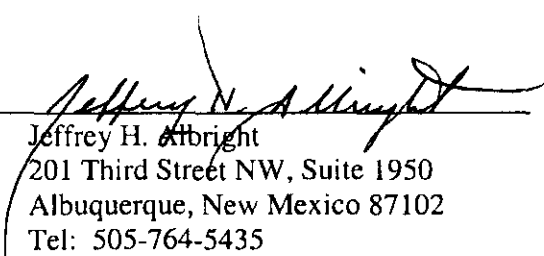
NOTICE OF COMPLIANCE WITH ORDER

Plateau Telecommunications, Inc., ("Plateau"), by and through its counsel, Lewis and Roca LLP (Jeffrey H. Albright), hereby submits this Notice of Compliance with Order. Pursuant to the Hearing Examiner's Recommended Decision issued March 14, 2008, and the Commission's Final Order of April 8, 2008, that adopted the Discussion, Findings and Conclusions contained in the Recommended Decision, attached hereto is an original Affidavit of Tom M. Phelps, verifying that Plateau is making Lifeline service available to customers in accordance with 47 C.F.R. § 54.405.

Respectfully submitted,

LEWIS AND ROCA LLP

By: _____


Jeffrey H. Albright
201 Third Street NW, Suite 1950
Albuquerque, New Mexico 87102
Tel: 505-764-5435
Fax: 505-764-5462
Attorneys for Plateau
Telecommunications, Inc..

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF PLATEAU
TELECOMMUNICATIONS INC.'S PETITION
FOR EXTENSION OF ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER
DESIGNATION PURSUANT TO SECTION 214(e)(2)
OF THE COMMUNICATIONS ACT OF 1934,
AS AMENDED**

Case No. 07- 00206- UT

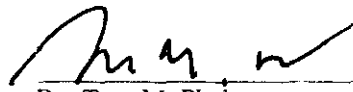
AFFIDAVIT OF TOM M. PHELPS

STATE OF NEW MEXICO)
) ss.
COUNTY OF CURRY)

Tom M. Phelps, upon being first duly sworn according to law, under oath, deposes and states:

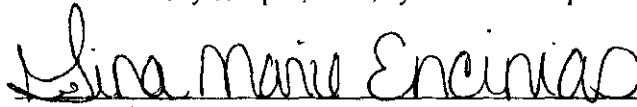
1. I am the CEO for Plateau Telecommunications, Inc. ("Plateau") and as such I am authorized to make this Affidavit on behalf of Plateau.
2. I affirm that the statements contained herein were prepared under my supervision, direction and control and are accurate based on my own personal knowledge and belief.
3. I affirm that Lifeline service is available to Plateau's qualifying low-income customers in accordance with 47 C.F.R. § 54.405.
4. Affiant further sayeth not.

PLATEAU TELECOMMUNICATIONS, INC.



By: Tom M. Phelps
Its: CEO

SUBSCRIBED AND SWORN to before me this 29th day of April, 2008, by Tom M. Phelps.

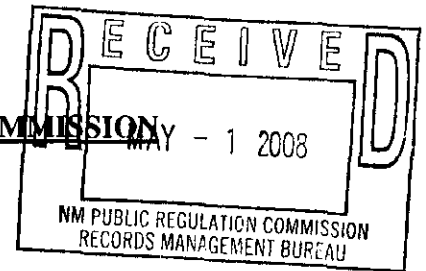

Notary Public

My Commission Expires:

10-01-10

[Notary Seal, if required]

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION



**IN THE MATTER OF PLATEAU
TELECOMMUNICATIONS INC.'S PETITION
FOR EXTENSION OF ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER
DESIGNATION PURSUANT TO SECTION 214(e)(2)
OF THE COMMUNICATIONS ACT OF 1934,
AS AMENDED**

Case No. 07- 00206- UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Notice of Compliance with Order was
hand delivered/mailed on May 1, 2008 to the following:

Anthony Medeiros
Public Regulation Commission
224 East Palace Avenue
Santa Fe, NM 87501

Michael Ripperger, Telecom Bureau Chief
Public Regulation Commission
224 East Palace Avenue
Santa Fe, NM 87501

Joan Ellis, Staff Counsel
Public Regulation Commission
224 East Palace Avenue
Santa Fe, NM 87501

Peggy A. Bowen
Public Regulation Commission
224 East Palace Avenue
Santa Fe, NM 87501

Ken Smith, Telecommunications Economist
Public Regulation Commission
224 East Palace Avenue
Santa Fe, NM 87501

Tom M. Phelps
Chief Executive Officer
Plateau Telecommunications
P. O. Box Drawer 1947
Clovis, NM 88102-1947

Launa Waller
Regulatory Manager
Plateau Telecommunications, Inc.
7111 North Prince Street
Clovis, NM 88102

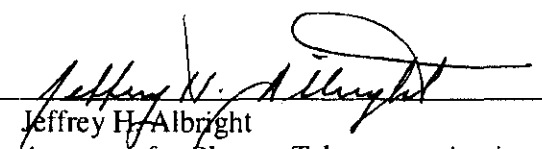
Bill R. Garcia
Vice President New Mexico
Windstream Telecommunications
1800 Old Pecos Trail, Suite J
Santa Fe, NM 87505

William Templeman, Esq
Comeau, Maldegen, Templeman & Indall
1741 E. Palace Avenue
P. O. Box 669
Santa Fe, NM 87571

Alan P. Morel
Alan P. Morel, P.A.
P. O. Box 1030
Ruidoso, NM 88355

LEWIS AND ROCA LLP

By


Jeffrey H. Albright

Attorneys for Plateau Telecommunications, Inc.

201 Third Street, NW, Suite 1950

Albuquerque, New Mexico 87102-4388

Phone: (505) 764-5435 (Direct)

Fax: (505) 764-5462

JAlbright@LRLaw.com